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10 UNITED STATES DISTRICT COURT

11
12 DISTRICT OF NEVADA

13
14 CASE NO.: 2:18-CV-01532-JCM-VCF

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16 **Stipulation and Order Regarding
17 Withdrawal of Plaintiffs' and Counter-
18 Defendant's Response to Enterprise Leasing
19 Company-West, LLC's Motion to Strike
20 Initial Expert Disclosure and Report of
21 Retained Expert Michael Rosenfield
22 Pursuant to Fed. R. Civ. P. 37(c)(1)**

23 CHETNABEN JARIWALA, an individual;
HARDIK JARIWALA, an individual; POOJA
JARIWALA, an individual; KRISHNABEN
JARIWALA, an individual; YOGESH
JARIWALA, an individual; RENUKA PATEL,
an individual; DAXABEN JARIWALA,
individually and as heir to the Estate of
KIRITKUMAR JARIWALA; HERISAN
JARIWALA as heir to the Estate of
KIRITKUMAR JARIWALA; ABHISEK
JARIWALA as heir to the Estate of
KIRITKUMAR JARIWALA; ROBERT
ANSARA as Special Administrator to the
Estate of KIRITKUMAR JARIWALA,
deceased;

24 Plaintiffs,

vs.

25 ENTERPRISE LEASING COMPANY-WEST,
26 LLC, a foreign limited-liability company;
ENTERPRISE RENT-A-CAR COMPANY OF
27 LOS ANGELES, LLC, a foreign limited-
liability company; KIA MOTORS AMERICA,
28 INC., a foreign corporation; DOES 1 through
100; ROE BUSINESS ENTITIES 1 through
100, inclusive jointly and severally,

Defendants.

25 ALL RELATED CLAIMS
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1 All parties, by and through their respective, undersigned counsel of record, hereby stipulate and
2 agree that Plaintiffs' and Counter-Defendant Krishnaben Jariwala's Response (ECF No. 88) to
3 Defendant Enterprise Leasing Company-West, LLC's ("Enterprise") Motion to Strike Initial Expert
4 Disclosure and Report of Retained Expert Michael Rosenfield Pursuant to FRCP 37(c)(1) (ECF No. 80)
5 shall be withdrawn.
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7 The parties further stipulate and agree that as a result of the aforesaid withdrawal of Plaintiffs'
8 and Counter-Defendant's Response, Enterprise's Motion to Strike shall be granted, and the following
9 sanctions shall issue:

10 (a) Michael Rosenfield's report, dated December 17, 2019, shall be stricken;
11 (b) Plaintiffs' and Counter-Defendant's Disclosure, dated December 17, 2019, as it relates to
12 Michael Rosenfield's proposed testimony, shall be stricken; and
13 (c) Michael Rosenfield will be barred from testifying at trial.
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15 The parties further stipulate and agree that no further sanctions shall issue secondary to the
16 withdrawal of Plaintiffs' and Counter-Defendant's Response to Enterprise's Motion to Strike.

17 The parties further stipulate and agree that the (telephonic) hearing on Enterprise's Motion to
18 Strike, currently set for March 18, 2020 at 11:00 a.m., may be vacated subject to the Court's discretion.
19 If, due to the timing of the instant stipulation or otherwise, the Court mandates the parties' appearances
20 at said hearing, the parties will so appear. Alternatively, if the instant stipulation and proposed order is
21 not received and/or executed by the Court in advance of said hearing, the parties will appear and put the
22 stipulated terms on the record.
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1 DATED this 18th day of March, 2020

2 LADAH LAW FIRM

3 /s/ Ramzy P. Lada

4 Ramzy Paul Lada, Esq.
5 Nevada Bar No. 11405
6 Lada Law Firm
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9 HICKS & BRASIER PLLC

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12 Las Vegas, Nevada 89107

13 *Attorneys for Plaintiffs*

14 DATED this 18th day of March, 2020

15 KLEIN THOMAS & LEE

16 /s/ Stephanie L. Chilton (w/ permission)
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18 Stephanie L. Chilton, Esq. (pro hac vice)
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22 Leann Sanders, Esq.
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25 Las Vegas, NV 89149

26 *Attorneys for Defendant*
27 *KIA Motors America, Inc.*

28 . . .

1 DATED this 18th day of March, 2020

2 FOLEY & LARDNER LLP

3 /s/ Jeffrey A. Soble (w/ permission)

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18 *Company-West, LLC, and Enterprise*
19 *Rent-A-Car Company of Los Angeles, LLC*

20 DATED this 18th day of March, 2020

21 MESSNER REEVES LLP

22 /s/ Virginia T. Tomova (w/permission)
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27 *Attorneys for Counter-defendant*
28 *Krishnaben Jariwala*

ORDER

Pursuant to the foregoing stipulated terms, and good cause appearing therefor, Defendant Enterprise Leasing Company-West, LLC’s (“Enterprise”) Motion to Strike Initial Expert Disclosure and Report of Retained Expert Michael Rosenfield Pursuant to FRCP 37(c)(1) (ECF No. 80) is hereby GRANTED. As a result, the Court imposes the following sanctions:

- (a) Michael Rosenfield's report, dated December 17, 2019, is hereby stricken;
- (b) Plaintiffs' and Counter-Defendant's Disclosure, dated December 17, 2019, as it relates to Michael Rosenfield's proposed testimony, is hereby stricken; and
- (c) Michael Rosenfield will be barred from testifying at trial.

IT IS SO ORDERED:

UNITED STATES MAGISTRATE JUDGE

3-18-2020

DATED: